

**Janet Napolitano**  
Governor

**Robert B. Pinkert, O.D.**  
President

**Christina M. Sorenson, O.D.**  
Vice President



**Arizona State Board of Optometry**  
1400 West Washington, Suite 230  
Phoenix, AZ 85007

**Margaret Whelan**  
Executive Director

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## **FINAL MINUTES FOR REGULAR SESSION MEETING: APRIL 15, 2005**

### **Board Members**

Robert B. Pinkert, O.D., President  
Christina M. Sorenson, O.D., Vice-President  
Caroline Griego, O.D.  
Robert J. Maynard, O.D.  
Lawrence Ponemon, PhD  
Curtis R. Winkler, M.D.

### **Staff:**

Jack Confer, Executive Director  
Margaret Whelan, Licensing Administrator

### **Legal Counsel:**

Dawn Walton Lee, Assistant Attorney General

### **A. CALL TO ORDER:**

Dr. Pinkert called the meeting to order at 9:30 a.m.

### **B. ROLL CALL:**

Board Members Present: Robert B. Pinkert, O.D., President  
Christina M. Sorenson, O.D., Vice- President  
Caroline Griego, O.D  
Curtis Winkler, M.D

Board Members Absent: Robert J. Maynard, O.D.  
Lawrence Ponemon, PhD

Legal Counsel Present: Dawn Walton Lee, Assistant Attorney General

Staff Present: Jack Confer, Executive Director  
Margaret Whelan, Licensing Administrator

### **C. PRESIDENT'S REPORT:**

None.

**D. INFORMAL INTERVIEW:**

1. ASBOO vs. Neha V. Amin, O.D., IR#200445

Dr. Griego summarized the case and recommended the Board issue letter of concern for issues of recordkeeping and possible lack of follow up of care based on findings of fact.

**MOTION:** Dr. Griego moved to issue letter of concern for issues with A.R.S. §32-1743 recordkeeping and possible lack of follow up of care A.R.S. §32-1701(8)(g) based on findings of fact. Dr. Sorenson seconded the motion. Motion is withdrawn by Dr. Griego.

**SECOND MOTION:** Dr. Sorenson moved to issue a decree of censure pursuant to A.R.S. §32-1743. Dr. Winkler seconded the motion. Motion is withdrawn by Dr. Sorenson.

**THIRD MOTION:** Dr. Sorenson moved to issue a decree of censure based on Findings of Fact, Conclusions of Law, and Order for violations of A.R.S. §32-1743(4)(14)(15) for unprofessional conduct, repeated malpractice and failure to maintain records. Dr. Winkler seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X			X	X	X
NO	0						
ABSTAIN	0						
ABSENT	2		X	X			

**VOTE:** Motion passed 4-0.

**E. REVIEW, DISCUSSION AND VOTE ON INVESTIGATION REVIEWS/COMPLAINTS:**

2. ASBOO vs. Jerry R. Burger, O.D., IR#200448

Dr. Sorenson stated there is not enough documentation and recommended the Board obtain additional investigation of medical records from Nationwide Vision, conduct interviews of persons who may have been seen by Dr. Burger, review bank account records of Dr. Burger and possibly send to informal interview.

Board moved to go into executive session for legal advice at 11:39 a.m.  
The Board reconvened regular session at 11:45 a.m.

**MOTION:** Dr. Pinkert moved to table issue for further investigation. Dr. Winkler seconded motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X			X	X	X
NO	0						
ABSTAIN	0						
ABSENT	2		X	X			

**VOTE:** Motion passed 4-0.

3. K.M. vs. Jay E. Chretien, O.D., IR#200507

Dr. Winkler summarized the case and recommended the Board dismiss the case due to lack of violation of the optometry practice act.

**MOTION:** Dr. Griego moved to dismiss the case. Dr. Sorenson seconded motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X			X	X	X
NO	0						
ABSTAIN	0						
ABSENT	2		X	X			

**VOTE:** Motion passed 4-0.

4. C.F. vs. Steven H. Weisman, O.D., IR#200509

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometry practice act.

**MOTION:** Dr. Sorenson moved to dismiss the case. Dr. Griego seconded motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X			X	X	X
NO	0						
ABSTAIN	0						
ABSENT	2		X	X			

**VOTE:** Motion passed 4-0.

**F. REVIEW, DISCUSSION AND POSSIBLE BLOCK VOTE ON PENDING REGULAR LICENSE APPLICATIONS:**

5. Ornstein, Sara
6. Seelhammer, Blair
7. Zambrano, Manuel

**G.. REVIEW, DISCUSSION AND POSSIBLE VOTE ON PENDING ENDORSEMENT APPLICATIONS:**

8. Marmo, Christopher

**MOTION:** Dr. Sorenson moved to approve tabs F and G inclusive. Dr. Pinkert seconded the motion.

**VOTE:** The motion passed 4-0

**K. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF CONTINUING EDUCATION AS PROVIDED BY A.R.S. § 32-1704 (D) and A.A.C. R4-21-208.**

**Fiscal Year 2004/2005**

	<b>Continuing Education</b>	<b>Date</b>	<b>No. of hours requested</b>
a.	Pacific University College of Optometry-Etiology and Mgmt. of Motion Sickness: A Review of Optometric Considerations.	Correspondence	3 Correspondence
b.	Advanced Vision Correction Foundation-Current Trends in Refractive Surgery	5/17/05	2 Regular
c.	Optometric Physicians of Washington-OPW 2005 Convention and AMM	3/17-3/18/05	5.5 Regular 2.5 PM
d.	Washington Board of Optometry-40 <sup>th</sup> Annual Postgraduate Seminar	3/19-3/20/05	4 Regular
e.	Central AZ Optometric Society-CAOS Lecture	4/26/05	3 Regular
f.	Greater Phx. Chapter-Autism Society of America-Autism/Asperger's Conference	1/8-1/9/05	6 Regular
g.	University of MO-St. Louis College of Optometry-Las Vegas 2005 Conference	3/9-3/11/05	15 Regular
h.	<del>Aleon, Allergan-Cataract, Glaucoma &amp; Cornea Update</del> <b>WITHDRAWN</b>	<del>5/24/05</del>	<del>1 Regular</del>
i.	Pacific University College of Optometry-Glaucoma Symposium 2005	1/8/05	7 Regular
j.	Millennium Laser Eye Centers-CK, Intralase and Custom Vue	9/25/03 & 4/19/04	6 Regular
k.	Midwest Vision Congress & Expo	5/12-5/15/05	19 Regular
l.	The Eye Center Group-Recurrent Corneal Erosion	3/12/05	1 Regular
m.	California Optometric Assoc.-Opto West 2005	3/31-4/3/05	117 Regular
n.	MOA 2005 Annual Conference	5/11-5/14	18 Regular
o.	Central AZ Optometric Society-Silicone Hydrogel Contact Lenses: Update 2005	2/22/05	3 Regular

p.	The Eye Center Group-Practical Management of Medical & Surgical Eyecare	3/12/05	1 Regular
q.	The Eye Center Group-Bumps and Lumps-A Primer	3/12/05	1 Regular
r.	The Eye Center Group-Cataract Surgery Today: Capsular Tension Ring	3/12/05	1 Regular
s.	The Eye Center Group-2005: Current Concepts in Macular Degeneration	3/12/05	2 Regular

**MOTION:** Dr. Sorenson moved to accept all CE as listed except tab r. Dr. Griego seconded the motion.

**VOTE:** The motion passed 4-0.

**L. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF BOARD MEETING MINUTES.**

- 9. March 18, 2005 Regular Session Meeting Minutes
- 10. March 18, 2005 Executive Session Meeting Minutes

Postponed until next Board meeting.

**M. REVIEW, CONSIDERATION AND POSSIBLE VOTE ON PRE-APPROVAL OF COMPLETED CONTINUING EDUCATION PRIOR TO SUBMISSION OF APPLICATION**

Mr. Confer summarized that the reason for the request is a one-time letter only. The Board discussed whether or not to issue this letter.

**N. EXECUTIVE DIRECTOR'S REPORT:**

- 11. Budget Report (Information Only)  
Budget Summary Report
- 12. Board Statistics (Information Only)
- 13. Litigation Update (Information Only)
- 14. Summary of Investigative Reviews (Possible Discussion)
- 15. Board Correspondence (Possible Discussion, Consideration & Vote)

Mr. Confer reported on tabs 11-15 inclusive.

**O. REVIEW, CONSIDERATION, AND ACTION ON PERSONNEL, PURSUANT TO A.R.S. § 32-1704 (E)**

- A. Review of the interviews of candidate
- B. Decision on offering position and delegation of authority to President
- C. Consideration of appointment of Acting Executive Director

The Board discussed candidates interviewed and offered the position to Margaret Whelan.

**P. CALL TO PUBLIC:**

Dr. Pinkert made a call to the public at 11:48 a.m. Nobody was present to address the Board during the call to public.

**MOTION:** Dr. Pinkert moved to adjourn the meeting at 11:50 AM. Dr. Sorenson seconded the motion.

**VOTE:** The motion passed 4-0.

**END OF MINUTES:**

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Margaret Whelan, Executive Director

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Date